

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

SUSAN THAYER,
Qui Tam Plaintiff/Relator

ON BEHALF OF HERSELF AND
ON BEHALF OF THE UNITED STATES
OF AMERICA,

Plaintiffs,

vs.

PLANNED PARENTHOOD OF
THE HEARTLAND, INC. (f/k/a
PLANNED PARENTHOOD OF
GREATER IOWA, INC.),

Defendant.

Case No. 4:11-cv-00129-JAJ-CFB

**DEFENDANT PLANNED
PARENTHOOD OF THE
HEARTLAND'S MOTION FOR
REASONABLE ATTORNEYS' FEES**

Defendant Planned Parenthood of the Heartland, Inc. ("PPH"), by and through the undersigned counsel, moves for its reasonable attorneys' fees pursuant to 31 U.S.C. § 3730(d)(4), 28 U.S.C. § 1927, Federal Rule of Civil Procedure 54(d)(2), and Local Rule 54A. In support of this Motion, PPH states as follows:

1. The Government did not proceed with this False Claims Act ("FCA") action and Plaintiff/Relator Susan Thayer ("Relator"), who brought the action, conducted it.
2. PPH prevailed in the action.
3. Relator's claims were clearly frivolous, clearly vexatious, or brought primarily for purposes of harassment.
4. Relator's counsel multiplied the proceedings unreasonably and vexatiously.

5. Accordingly, PPH is entitled to an award of reasonable attorney fees pursuant to 31 U.S.C. § 3730(d)(4) and 28 U.S.C. § 1927.

6. PPH seeks recovery of various rates for the attorneys involved, all of which are reasonable fees. The request is supported by:

- The Declaration of Jae Park (the “Park Declaration”).
 - A chart summarizing PPH’s reasonable attorneys’ fees attributable to Dentons US LLP (“Dentons”) is included in Paragraph 8 of the Park Declaration.
 - Charts summarizing the total hours billed, by timekeeper, in each category set forth in Local Rule 54A, are included in Paragraph 9 of the Park Declaration.
 - A chart listing all of the time spent by Dentons professionals on this matter, in each category set forth in Local Rule 54A, is attached as Exhibit 1 to the Park Declaration.
 - A chart showing the hourly rates claimed for each relevant Dentons attorney is attached as Exhibit 2 to the Park Declaration.
 - The professional bios for the relevant Dentons attorneys are attached Exhibits 3-8 of the Park Declaration.
- The Declaration of Alan Gilbert (the “Gilbert Declaration”).
 - The firm bio for Alan Gilbert is attached as Exhibit A to the Gilbert Declaration.
- The Affidavit of Stan Thompson (the “Thompson Affidavit”)

- A chart summarizing PPH's reasonable attorneys' fees attributable to the Davis Brown Law Firm ("Davis Brown"), including the total hours billed, by timekeeper, in each category set forth in Local Rule 54A, is attached as Exhibit 1 to the Thompson Affidavit.
- The firm bio for Stan Thompson is attached as Exhibit 2 to the Thompson Affidavit.

7. Pursuant to the coding requirements contained in Local Rule 54A, PPH submits itemized fees for services performed by Dentons, *see* the Park Declaration and Exhibits 1-2 thereto, and by Davis Brown, *see* Exhibit 1 to the Thompson Affidavit.

8. As reflected in the Park Declaration, the Thompson Affidavit, and their Exhibits, PPH seeks a total award of \$2,093,439.53 (\$2,050,796.03 for Dentons and \$42,643.50 for the Davis Brown).

9. PPH reserves the right to seek additional fees in a supplemental fee application for any further appeal of this case.

10. This motion is more fully described by the supporting brief filed along with it. This motion is supported by that brief and the accompanying declarations in support of this fee motion, the exhibits thereto, and the entire record in the case.

WHEREFORE, for the above reasons, PPH prays that the Court grants this motion and any other relief the Court deems necessary.

Dated: June 19, 2020

Respectfully submitted,

/s/ Kristen C. Rodriguez
*One of the attorneys for Defendant
Planned Parenthood of the Heartland*

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CERTIFICATE OF SERVICE

I, Kristen Rodriguez an attorney, hereby certify that I caused copies of **Defendant Planned Parenthood of the Heartland's Motion for Reasonable Attorneys' Fees, Defendant Planned Parenthood of the Heartland's Brief in Support of its Motion for Reasonable Attorneys' Fees, Declaration of Alan S. Gilbert in Support of Motion for Reasonable Attorneys' Fees, Declaration of Jae Park In Support of Motion for Reasonable Attorneys' Fees, and Affidavit of Stan Thompson** to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to attorneys of record.

/s/ Kristen Rodriguez
Kristen Rodriguez